

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

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OWEN W. BARNABY,

Plaintiff, No. 1:22-cv-01146 (RJJ)(SJB)

v.

MICHIGAN STATE GOVERNMENT, et al.

Defendants.
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PLEASE TAKE NOTICE that upon all the pleadings and proceedings heretofore had herein, and Berrien County Defendants' Memorandum of Law in Support of Their Motion to Dismiss the Third Amended Complaint, dated March 27, 2024, the Berrien County Government, the Berrien County Board of Commissioners, Shelly Weich, Lora L. Freehling, Hon. Donna Howard, R. McKinley Elliott, Hon. Mabel J. Mayfield, Hon. Gary J. Bruce, and the Berrien County Trial Court move this Court for an order dismissing the action as against the Berrien County Government, the Berrien County Board of Commissioners, Shelly Weich, Lora L. Freehling, Hon. Donna Howard, R. McKinley Elliott, Hon. Mabel J. Mayfield, Hon. Gary J. Bruce, and the Berrien County Trial Court pursuant to Fed. R. Civ. P. 4(m) and 12(b)(5) for insufficient service of process. In the alternative, the Berrien County Trial Court moves for an order dismissing the action as

against it pursuant to Fed. R. Civ. P. 12(b)(6) on the grounds that the Third Amended Complaint fails to state a claim upon which relief can be granted.

Dated: St. Joseph, Michigan
March 27, 2024

/s/ Thaddeus J. Hackworth
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